REMARKS

Claims 1-27 are pending in the present application. In the Office Action dated December 1, 2004, the Examiner rejected claims 1-27 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Aleles et al. (U.S. Patent No. 6,181,603).

Applicants respectfully traverse this ground of rejection and request reconsideration of the invention in view of the following remarks.

The disclosed embodiments of the invention will now be discussed in comparison to the prior art. Of course, the discussion of the disclosed embodiments, and the discussion of the differences between the disclosed embodiments and the prior art subject matter, do not define the scope or interpretation of any of the claims. Instead, such discussed differences merely help the Examiner appreciate important claim distinctions discussed thereafter.

Applicants' embodiments: Applicants disclose a *scrubbing element*, that is generally a durable three dimensional, non woven *filament network* that is formed in the shape of a soap bar, and to which a detergent or soap is added to fill voids between the filaments in the network. Example filament networks are Scotch Brite, which is a *non-woven nylon network* made by 3M, wool, cotton or other fibrous substances, natural or synthetic *sponges*, *steel wool* and other similar materials. What characterizes these substances as a filamentous network is that (1) they are formed into a scrubbing element independently of (e.g., prior to) the soap being added and more importantly (2) that they are bonded together. By being bonded together, is meant that to be a filamentous network, the fibrous substances must be bonded together or otherwise cross linked in some fashion to form an integral structure that can be independently shaped into the scrubbing element. By necessity, to be a filamentous network requires that the fibrous substance NOT be discrete elements, but rather be cross linked or otherwise bonded together. Because of this design, as the soap bar is used, the filamentous network remains intact, *i.e.*, when the soap is used up, the filamentous network remains bonded together, thus there is no loss of the fibrous material, except of course, as may occur by mechanical or chemical shearing of the filaments.

Aleles. In contrast to teaching a filamentous network, Aleles teaches "a plurality of discrete elements" in a soap bar. *See* column 2, line 15. The concept of discrete elements is opposite to the concept of a filamentous network. To be discrete elements, by definition, means

the elements are not bonded or cross linked together in a network. This is clear from the method of making the soap bar taught by the examples in Aleles, which in each case describes adding or more specifically, mixing fibers into molten soap. *See* column 6, lines 20-25, 40-43 and 60-64. One of ordinary skill in the art would immediately understand that the discrete fibers never become bonded together to form a filamentous network. In-fact, this understanding is reflected in a problem of use expressly disclosed by Aleles in "...that the use of the cleansing bar frees some of the discrete elements, which may then flow to a drain in the shower, sink or bath." *See* column 3, lines 31-32. To solve this problem, at best, Aleles teaches that the size of the discrete elements is selected so that during use of the soap bar "...the discrete elements become intertwined or entangled to form a superstructure." *See* column 3, lines 40-41. Thus, the discrete elements always remain discrete and not bonded together. Being intertwined or entangled is not the same as being linked in a filamentous network. A filamentous network requires that the material be linked together and not be discrete.

Turning now to the claims, independent claim 1 recites in pertinent part: ..."*a scrubbing element having a filamentous network* with internal void regions; and a soap material that substantially surrounds the *scrubbing element* and at least partially fills the void regions. As discussed above, the discrete elements disclosed by Aleles is opposite to a filamentous network, because a filamentous network necessarily has the fibers linked together to form a the scrubbing element, while discrete elements, by definition, are not linked together. Thus, Aleles teaches away from the present invention. Accordingly, the rejection of claim 1 on grounds of anticipation or obviousness over Aleles should be withdrawn.

The distinction of the structure of Applicants' filamentous network over the discrete elements taught by Aleles is also reflected in independent method claims 11 and 19 and the inherent structure that would result therefrom. Claim 11 recites in pertinent part: "...*forming a scrubbing element from a non-woven and porous material*; and *infiltrating the non-woven and porous material with a soap material* to form the soap bar. Claim 19 recites in pertinent part: "...*positioning a scrubbing element* in a mold configured to receive the scrubbing element; adding a soap material to the mold to form a solid bar *that encapsulates the scrubbing element*..."

Forming a scrubbing element, or positioning a scrubbing element as recited by Applicants necessarily means the non woven and porous material must be bonded together to form a structure that can independently serve as a scrubbing element that can be positioned in a

mold. In contrast, each of Aleles's examples expressly teach that the discrete fibers are first placed in a mold and a molten soap mixture is added thereto and solidified. The discrete fibers added to the mold according to Aleles are thus not bonded together and therefore not formed into scrubbing element that is positioned in the mold, rather, the discrete fibers remain discrete when they are suspended in the molten mixture before and after the mixture solidified. Accordingly, withdrawal of the rejection of claims 11 and 19 and their independent claims as anticipated or obvious over Aleles is respectfully requested.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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